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Board of Vocational Nursing
and Psychiatric Technicians

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BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. PT-2008-929

**STEVE W. JONES, AKA STEVEN
WENDEL JONES**
P.O. Box 1141
Norwalk, CA 90651

A C C U S A T I O N

Psychiatric Technician License No. PT 26665

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. On or about November 13, 1989, the Board issued Psychiatric Technician License No. PT 26665 to Steve W. Jones, aka Steven Wendel Jones (Respondent). The Psychiatric Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b), states, in pertinent part, that the suspension, expiration, surrender, and cancellation of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 4545 the Board may renew an expired license at any time within four (4) years after the expiration.

5. Section 490 states:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

6. Section 4520 states, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

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1 7. Section 4521 states, in pertinent part:

2 "The board may suspend or revoke a license issued under this chapter [the Psychiatric
3 Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

4 "(a) Unprofessional conduct, which includes but is not limited to any of the following:

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6 (4) Obtain or possess in violation of law, or prescribe, or, except as directed by a
7 licensed physician and surgeon, dentist, or podiatrist, administer to himself or herself or furnish or
8 administer to another, any controlled substance as defined in Division 10 (commencing with
9 Section 11000) of the Health and Safety Code or any dangerous drug as defined in Section 4022.

10 (5) Use any controlled substance as defined in Division 10 (commencing with
11 Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022,
12 or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself,
13 any other person, or the public or to the extent that the use impairs his or her ability to conduct
14 with safety to the public the practice authorized by his or her license.

15 (6) Be convicted of a criminal offense involving the falsification of records
16 concerning prescription, possession, or consumption of any of the substances described in
17 paragraphs (4) and (5), in which event the record of the conviction is conclusive evidence of the
18 conviction. The board may inquire into the circumstances surrounding the commission of the
19 crime in order to fix the degree of discipline.

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21 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
22 violation of, or conspiring to violate any provision or terms of this chapter.

23

24 "(f) Conviction of any offense substantially related to the qualifications, functions, and
25 duties of a psychiatric technician, in which event the record of the conviction shall be conclusive
26 evidence of the conviction. The board may inquire into the circumstances surrounding the
27 commission of the crime in order to fix the degree of discipline."

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1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 2578, states, in pertinent part:

3 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
4 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
5 considered to be substantially related to the qualifications, functions or duties of a licensed
6 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a
7 licensed psychiatric technician to perform the functions authorized by his license in a manner
8 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be
9 limited to those involving the following:

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11 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
12 violation of, or conspiring to violate any provision or term of Chapter 10, Division 2 of the
13 Business and Professions Code."

14 **COST RECOVERY**

15 9. Section 125.3 states, in pertinent part, that the Board may request the administrative
16 law judge to direct a licensee found to have committed a violation or violations of the licensing
17 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
18 case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Convictions of Substantially-Related Crimes)**

21 10. Respondent is subject to disciplinary action under sections 490, 4521, subdivision (f),
22 in conjunction with California Code of Regulations, title 16, section 2578, on the grounds of
23 unprofessional conduct, in that Respondent was convicted of crimes substantially related to the
24 qualifications, functions or duties of a psychiatric technician as follows:

25 a. On or about December 9, 2008, after pleading *nolo contendere*, Respondent was
26 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
27 [driving a vehicle while having 0.08% or more, by weight, of alcohol in his or her blood], in the
28 criminal proceeding entitled *The People of the State of California v. Steven Wendel Jones* (Super.

1 Ct. Los Angeles County, 2008, No. 8WW05714). The court sentenced Respondent to serve 96
2 hours of jail, placed him on probation for a period of 3 years, ordered him to attend an 18-month
3 second-offender alcohol and other drug education and counseling program, and fined him. The
4 circumstances surrounding the conviction are that on or about August 8, 2008, during a routine
5 traffic stop, officers from the Whittier Police Department stopped Respondent for exceeding the
6 speed limit. The officers observed Respondent to have a strong odor of an alcoholic beverage
7 coming from his breath, watery eyes, slow speech, and an unsteady gait. Respondent admitted to
8 the officers that he had, "a couple of beers" and then stated that he was coming from a bar in the
9 city of La Mirada and had, "2 shots of scotch." Respondent took a series of field sobriety tests,
10 which he failed to complete satisfactorily. Respondent subsequently consented to two breath tests
11 with results of .13% and .12% blood-alcohol content (BAC).

12 b. On or about January 24, 2007, after pleading *nolo contendere*, Respondent was
13 convicted of one misdemeanor count of violating Penal Code section 273.5, subdivision (a)
14 [inflicting corporal injury on his spouse], in the criminal proceeding entitled *The People of the*
15 *State of California v. Steven Wendel Jones* (Super. Ct. Ventura County, 2007, No. 2006036052
16 MA). The court sentenced Respondent to serve 10 days in jail, placed him on probation for a
17 period of 36 months, and ordered Respondent to complete a 52 week domestic violence program
18 and refrain from consuming alcohol. The circumstances surrounding the conviction are that on or
19 about May 22, 2006, Respondent did willfully and unlawfully inflict corporal injury resulting in a
20 traumatic condition to his spouse. On or about May 22, 2006, Respondent went to the victim's
21 house cursed at her, grabbed her, threw her on the bed, picked up victim's wallet and threw it at
22 her face, and bit her ear. The victim suffered minor cuts inside her lips and pain to her right ear.
23 The victim obtained a protective order against Respondent.

24 c. On or about January 24, 2007, after pleading *nolo contendere*, Respondent was
25 convicted of one misdemeanor count of violating Penal Code section 273.6, subdivision (a)
26 [violating domestic violence protective order], in the criminal proceeding entitled *The People of*
27 *the State of California v. Steven Wendel Jones* (Super. Ct. Ventura County, 2007, No.
28 2006037094MA). The court sentenced Respondent to serve 10 days in jail, and placed him on

1 probation for a period of 36 months. The circumstances surrounding the conviction are that on or
2 about September 29, 2006, Respondent did intentionally and knowingly violate a protective order
3 by being at the place of business of the protected person (his spouse).

4 d. On or about March 15, 2005, after pleading *nolo contendere*, Respondent was
5 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
6 [driving a vehicle while having 0.08% or more, by weight, of alcohol in his or her blood], in the
7 criminal proceeding entitled *The People of the State of California v. Steven Wendel Jones* (Super.
8 Ct. Los Angeles County, 2004, No. 5LC00365). The court placed Respondent on probation for a
9 period of 3 years, ordered Respondent to complete a three-month first-offender alcohol and other
10 drug education and counseling program, and fined him. The circumstances surrounding the
11 conviction are that on or about December 21, 2004, Respondent did unlawfully drive a vehicle
12 while having 0.08% or more, by weight, of alcohol in his blood.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Illegal Use of Drugs and / or Alcohol Posing Danger to Public)**

15 11. Respondent is subject to disciplinary action under section 4521, subdivision (a)(5), on
16 the grounds of unprofessional conduct, in that Respondent used drugs and/or alcohol to an extent
17 or in a manner dangerous or injurious to himself or any other person, or the public or to the extent
18 that the use impairs his ability conduct with safety to the public the practice authorized by his
19 license on August 8, 2008 and December 21, 2004. Complainant refers to, and by this reference
20 incorporates, the allegations set forth above in paragraph 10, subparagraphs (a) and (d), inclusive,
21 as though set forth fully.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Convictions of Drug and / or Alcohol Related Crimes)**

24 12. Respondent is subject to disciplinary action under section 4521, subdivision (a)(6), on
25 the grounds of unprofessional conduct, in that Respondent was convicted of crimes involving the
26 use of drugs and/or alcohol on December 09, 2008 and March 15, 2005. Complainant refers to,
27 and by this reference incorporates, the allegations set forth above in paragraph 10, subparagraphs
28 (a) and (d), inclusive, as though set forth fully.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

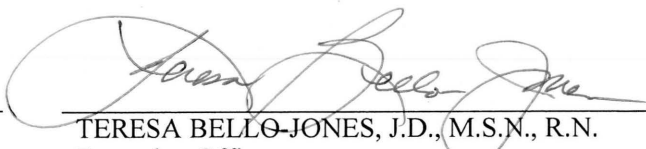
3 13. Respondent is subject to disciplinary action under section 4521, subdivision (a), in
4 that Respondent committed acts and was convicted of crimes that constituted unprofessional
5 conduct. Complainant refers to, and by this reference incorporates, the allegations set forth above
6 in paragraphs 10 through 12, inclusive, as though set forth fully.

7 **PRAAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
10 issue a decision:

- 11 1. Revoking or suspending Psychiatric Technician License No. PT 26665, issued to
12 Steve W. Jones, aka Steven Wendel Jones; and
13 2. Ordering Steve W. Jones to pay the Board reasonable costs of the investigation and
14 enforcement of this case, pursuant to section 125.3; and
15 3. Taking such other and further action as deemed necessary and proper.

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17 DATED: **NOV 13 2012**


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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